



**Department of Municipal Licenses and Inspections**  
**Zoning Board of Appeals**  
**90 Pond Street – Braintree, Massachusetts 02184**

**Joseph C. Sullivan**  
Mayor

**BOARD OF APPEALS UNDERT THE ZONING BY-LAWS**  
**BRAINTREE, MASSACHUSETTS**

*RULES AND REGULATIONS FOR FILING APPLICATIONS*

**Please read entire package before submitting application to the Building Division**

Processing of Appeals Applications – All application packages must be received at least thirty (30) days prior to the next scheduled Zoning Board of Appeal meeting. Meetings are scheduled on the 4<sup>th</sup> Tuesday of the month and begin at 7:00 P.M. (Notices will be mailed with correct time and date).

**Materials needed to apply for variance or finding**

- Appeal Application completed and signed in applicable sections.
- Certified Stamped Abutters List.
- Stamped addressed envelopes of abutters in order they appear on the certified abutters list **(Please do not put return address on envelopes as Town will do that).**
- Copy of the latest Tax Bill (If applicant is new to the property and has not yet received a tax bill, a copy of the purchase and sales agreement may be substituted).
- Thirteen (13) copies of a Stamped Certified Plot Plan, newly prepared by a Registered Land Surveyor, locating proposed and existing conditions.
- Check for \$200.00 made payable to "Town of Braintree"

**Appeal Application:**

When completing the appeal application, please be sure to provide all required information and print clearly where required. It is important to indicate on the application what type of relief is being requested with this application in the form of a "Finding" a "Variance" or both.

**FINDING** – A "Finding" may be sought by a property whose "Use" is conforming, and any proposed extension or addition will not increase the existing non-conforming dimensional status i.e. the addition of a second floor over the existing dwellings footprint .

**VARIANCE** – A "Variance" is required to vary any provision of the Town Zoning Ordinances other than those covered by a "Finding" Please note that "Use Variances" are not allowed.

**BOTH** – There may be instances in which both a "Finding" and a "Variance" are required i.e. a vertical addition to a dwelling which does not conform to the setback requirements for its Zoning District but will not encroach beyond existing limits, however this same addition exceeds established height

limits. In this instance a “Finding” would be needed to maintain present off sets to property lines and a “Variance” to vary the height limitations.

### **Abutters List:**

This list identifies all “Parties of Interest” which are owners of land directly opposite on any public or private street or way as well as persons whose property abuts the subject property and their abutters providing that any abutter to an abutter is within three hundred (300’) feet of the subject property.

- In order to prepare the abutters list, use the Assessors Maps and Corresponding Books containing ownership information (names & addresses). This material may be found at the Building Division located at 90 Pond Street, Second Floor.
- When the abutters list is completed, bring the list to the Town Assessors Office, located on the first floor of Town Hall for certification and stamping. *Please note that there may be a waiting period of two weeks for this certification process.*
- When contacted by Town Assessors please pick up abutters list and keep it together with the balance of the application material.

### **Filing Appeal:**

- Once all required information necessary for filing the appeal has been obtained and all related formwork completed and signed this information must be delivered to the Building Division of the Office of Municipal Licenses and Inspections on the second floor of 90 Pond Street. The Building Division Office hours are 8:00 a.m. to 4:30 p.m. Monday – Friday. It is suggested that applicants file appeals during the office hours of the Building Inspectors 8:00 – 10:00 a.m. and 3:00-4:30 p.m. so that a review for completeness of an application can be made by the Building Inspectors. *Please note that all appeals must be received by no later then **12:00 noon** on the close out day listed on the appeal schedule in order to be heard by the Zoning Board of Appeal on the following months date. If the appeal application is incomplete or mis-advertised for any reason the application will be re-advertised and scheduled for the next Zoning Board of Appeals hearing.*
- Once a completed appeal package is received by the Building Division the application will be reviewed by the Building Division of the Department of Municipal Licenses and Inspections and forwarded to the Town Clerks Office for stamping.
- Notice of the hearing describing the name of the applicant, address of property and intent of the appeal, along with date, time and location of the hearing will be sent to the applicant as well as all abutters by the Town. It is however suggested that applicants contact those persons listed on the abutters list prior to the hearing to provide more specific information regarding their appeal.
- A legal notice of the hearing will also appear in the local newspaper. *Please note that the Town will arrange for this advertisement, however the applicant will be responsible for the cost of the advertisement which will be billed directly to the applicant by the newspaper.*

### **Appeal Hearing:**

- The applicant or an authorized representative must be present at the appeals hearing.

- During the appeals hearing the applicant or authorized representative will be asked to appear before the Zoning Board of Appeal and to describe in detail what is being sought by the appeal. Plans, photographs, letters of support and the like may be submitted to the Board at this time for their consideration.
- After the applicant or authorized representative address the Board, those in attendance will be asked if they would like to speak in favor or opposition to the appeal, after which time the Board will discuss the appeal and render a verbal decision of either approval or disapproval of the appeal. *Please note that if the Board disapproves the appeal no similar appeal may be made to the Board for a period of two years.*

#### **Following Hearing:**

- Once a verbal decision is made by the Board, a written decision, signed by the presiding Board members, is prepared and filed with the Town Clerks Office no later than fourteen (14) days after the appeal hearing. This appeal is then kept in the office of the Town Clerk for a period of twenty (20) days during which time any person aggrieved by the decision of the Board may file an appeal with the courts.
- After the twenty (20) day appeal period has expired an applicant may obtain a ***certified*** copy of the appeal decision from the Town Clerks office. This decision must be filed at the Norfolk County Registry of Deeds, 649 High Street, Dedham, MA. *Please note there is a recording fee charged by the Registry for recording this decision.*
- In order to obtain a building permit following this process, a copy of the decision and proof of recording must be provided to the Building Division along with all other necessary Building Permit information. ***Questions regarding any portion of these instructions may be made to the Building Division at (781) 794-8070.***